



**United States
District Court**
Eastern District of Washington
Office of the Clerk

JAMES R. LARSEN
District Court Executive / Clerk of Court

November 2, 2007

United States Courthouse, 4th Floor
520 West Soledad Avenue
Hagatna, GU 96910-4950

FILED
DISTRICT COURT OF GUAM

NOV 13 2007

JEANNE G. QUINATA
Clerk of Court

Re: USA vs. Jian Rong Li
Case #MJ-07-4128-1 (Eastern District of Washington)
Case #CR-04-00006-001 (District of Guam)
Hearing Date: 10/22/07

Attention: Criminal Section

Enclosed is a certified copy of the Court's *Internal* Docket Sheet and copies of the documents contained in the Eastern District of Washington Court file.

Please acknowledge receipt of the above on the duplicate letter enclosed and return in the envelope I have provided.

Thank you for your time and attention.

Sincerely,
JAMES R. LARSEN, CLERK

By: s/ Karen White
Karen White, Deputy Clerk

Enclosures

The above documents were received and filed in my office under Docket No. _____

this _____ day of _____, 2007.

Clerk, U.S. District Court, by: _____, Deputy Clerk

920 West Riverside, Thomas S. Foley United States Courthouse, Room 840
P.O. Box 1493 ■ Spokane, Washington 99210
(509) 458-3400 ■ FAX (509) 458-3240

CLOSED, INTERPRETER, LOCATION-RELEASED

**Eastern District of Washington
U.S. District Court (Spokane)
CRIMINAL DOCKET FOR CASE #: 2:07-mj-04128-AMJ All Defendants**

Case title: USA v. Li
Other court case number: CR04-00006-001 District of
Guam

Date Filed: 10/17/2007
Date Terminated: 11/02/2007

Assigned to: Magistrate Magistrate
Judge Unassigned

Defendant

Jian Rong Li (1)
INTERPRETER: MANDARIN
TERMINATED: 11/02/2007

represented by **Federal Public Defender - YAK**
Federal Defenders - YAK
Eastern Washington
306 East Chestnut Avenue
Yakima, WA 98901
Email: deborah_hill@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Rebecca L Pennell
Federal Defenders - YAK
306 East Chestnut Avenue
Yakima, WA 98901
509-248-8920
Fax: 15092489118
Email: rebecca_pennell@fd.org
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints**Disposition**

18:13 Petition on Supervised Release

Plaintiff

USA

represented by **Donald Eugene Kresse, Jr**
 U S Attorney's Office - YAK
 402 E Yakima Avenue
 Suite 210
 Yakima, WA 98901-2760
 509-454-4425
 Fax: 15094544435
 Email:
 USAWAE.DKresseECF@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/02/2007	<u>15</u>	Letter from Eastern District of Washington to District of Guam dated 11/2/07 as to Jian Rong Li (KW, Case Administrator) (Entered: 11/05/2007)
11/02/2007	<u>14</u>	RULE 5 TRANSFER ORDER to District of Guam as to Jian Rong Li: see <u>13</u> Order on Identity and Detention. (KW, Case Administrator) (Entered: 11/05/2007)
10/22/2007	<u>13</u>	ORDER ON IDENTITY AND DETENTION: finding as moot <u>2</u> Motion for Detention as to Jian Rong Li (1). Signed by Judge John L. Weinberg. (KW, Case Administrator) (Entered: 10/23/2007)
10/22/2007	<u>12</u>	Minute Entry for proceedings held before Judge John L. Weinberg :Identity Hearing as to Jian Rong Li held on 10/22/2007. Detention Hearing as to Jian Rong Li held on 10/22/2007. Probable Cause Hearing as to Jian Rong Li held on 10/22/2007. (Reported/Recorded by: FTR/Y-102) (KW, Case Administrator) (Entered: 10/23/2007)
10/22/2007	<u>10</u>	ORDER: EXECUTED AO 199c FOR RELEASE OF DEFENDANT as to Jian Rong Li. Signed by Judge John L. Weinberg. (KW, Case Administrator) (Entered: 10/23/2007)
10/18/2007	<u>9</u>	ORDER ON INITIAL APPEARANCE AND ORDER SETTING DETENTION, PROBABLE CAUSE & IDENTITY HEARINGS as to Jian Rong Li. Detention Hearing set for 10/23/2007 09:00 AM in Yakima before Magistrate Judge John L. Weinberg. In Court IDENTITY Hearing set for 10/23/2007 09:00 AM in Yakima before Magistrate Judge John L. Weinberg. Preliminary Examination/Probable Cause Hearing set for

		10/23/2007 09:00 AM in Yakima before Magistrate Judge John L. Weinberg. Signed by Judge Mikel H. Williams. (KW, Case Administrator) (Entered: 10/19/2007)
10/18/2007	<u>8</u>	DEFENDANT'S ASSERTION OF FIFTH AND SIXTH AMENDMENT RIGHTS by Jian Rong Li (KW, Case Administrator) (Entered: 10/18/2007)
10/18/2007	<u>7</u>	ACKNOWLEDGMENT OF NOTICE OF RIGHTS by Jian Rong Li (KW, Case Administrator) (Entered: 10/18/2007)
10/18/2007	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Rebecca L Pennell appearing for Jian Rong Li (Pennell, Rebecca) (Entered: 10/18/2007)
10/18/2007	<u>4</u>	ORDER APPOINTING FEDERAL DEFENDER as to Jian Rong Li. On the basis of the sworn financial statement, the court finds Defendant is financially unable to retain counsel. IT IS ORDERED the Federal Defenders of Eastern Washington are appointed to represent Defendant pursuant to Title 18 United States Code Sec. 3006A Appointed Federal Public Defender - YAK for Jian Rong Li - Text entry; no PDF document will issue. This text-only entry constitutes the court order on the matter. Signed by Judge Mikel H. Williams. (KRR, Judicial Assistant) (Entered: 10/18/2007)
10/18/2007	<u>3</u>	Minute Entry for proceedings held before Judge Mikel H. Williams :Initial Appearance in Rule 5 Proceedings as to Jian Rong Li held on 10/18/2007. Identity Hearing, Detention Hearing and Probable Cause Hearing set 10/23/07 at 9:00 a.m. in Yakima, WA. (Reported/Recorded by: FTR/Y-102) (RF, Case Administrator) (Entered: 10/18/2007)
10/17/2007	<u>2</u>	MOTION for Detention by USA as to Jian Rong Li. (Kresse, Donald) (Entered: 10/17/2007)
10/17/2007	<u>1</u>	RULE 5 DOCUMENTS RECEIVED from District of Guam as to Jian Rong Li (KW, Case Administrator) (Entered: 10/17/2007)

PACER Service Center			
Transaction Receipt			
11/15/2007 15:18:13			
PACER Login:	us7915	Client Code:	
Description:	Docket Report	Search Criteria:	2:07-mj-04128-AMJ
Billable Pages:	2	Cost:	0.16

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
) Magistrate Docket No.
 Plaintiff,) MJ-07-4128-1
)
 v.) ORDER ON IDENTITY AND
) DETENTION (**Ct Rec. 2**)
 JIAN RONG LI,)
)
 Defendant.)

On October 22, 2007, detention, probable cause and identity hearings were scheduled to be heard in this matter from the District of Guam, at Hagatna(CR-04-6-1). Donald Kresse appeared for the government. Defendant was present with counsel Rebecca Pennell.

The defendant executed a Waiver of Rule 5 & 5.1 hearings.

The Defendant waived his right to a probable cause hearing and an identity hearing and acknowledged he is Jian Rong Li. Based on the defendant's waiver of identity hearing and admission that he is Jian Rong Li, the Court finds he is the individual sought in the petition from the District of Guam.

On the issue of detention, the government withdrew their motion for detention based on the pretrial services report.

The government's motion for detention hearing is **moot**.

Upon receipt of the A. O. Form 199C, it is **ORDERED** that the U.S. Marshal shall release defendant from custody.

ORDER ON IDENTITY
AND DETENTION - 1

ATTEST A True Copy
JAMES R. LARSEN, Clerk
United States District Court

Eastern District of Washington
By *[Signature]*
Deputy Clerk

1 **IT IS FURTHER ORDERED**, that the release of the defendant is
2 subject to the following conditions:

3 1. The defendant shall not commit any offense in violation
4 of federal, state or local law.

5 2. The defendant shall report as directed to U.S. Probation.

6 3. The defendant shall advise U. S. Probation within 24
7 hours of any change in address, telephone number or employment.

8 4. The defendant shall remain in the Eastern District of
9 Washington while the case is pending unless given permission to
10 leave by U.S. Probation.

11 5. The defendant shall maintain or actively seek
12 employment.

13 6. The defendant shall not possess a firearm, destructive
14 device or other dangerous weapon.

15 7. Defendant is further advised, pursuant to 18 U.S.C. §
16 922(n), it is unlawful for any person who is under indictment for
17 a crime punishable by imprisonment for a term exceeding one year
18 to ship or transport in interstate or foreign commerce any firearm
19 or ammunition or receive any firearm or ammunition which has been
20 shipped or transported in interstate or foreign commerce.

21 8. The defendant shall make payments on any fines or
22 special assessments per schedule as directed by U.S. Probation.

23 **You are advised that a violation of any of the foregoing**
24 **conditions of release may result in the immediate issuance of a**
25 **warrant for your arrest, revocation of your release and**
26 **prosecution for contempt of court which could provide for**
27 **imprisonment, a fine or both. Specifically, you are advised that**
28 **a separate offense is established by the knowing failure to appear**

ORDER ON IDENTITY
AND DETENTION - 2

1 and that an additional sentence may be imposed for the commission
2 of a crime while on this release. In this regard, any sentence
3 imposed for these violations is consecutive to any other sentence
4 you may incur.

5 DATED this 22nd day of October, 2007.

6
7 s/ JOHN L. WEINBERG
8 JOHN L. WEINBERG
9 United States Magistrate Judge
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ORDER ON IDENTITY
AND DETENTION - 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
	)	Magistrate Docket No.
Plaintiff,	)	MJ-07-4128-1
)	
v.	)	ORDER ON IDENTITY AND
	)	DETENTION (Ct Rec. 2)
JIAN RONG LI,)	
)	
Defendant.)	

On October 22, 2007, detention, probable cause and identity hearings were scheduled to be heard in this matter from the District of Guam, at Hagatna (CR-04-6-1). Donald Kresse appeared for the government. Defendant was present with counsel Rebecca Pennell.

The defendant executed a Waiver of Rule 5 & 5.1 hearings.

The Defendant waived his right to a probable cause hearing and an identity hearing and acknowledged he is Jian Rong Li. Based on the defendant's waiver of identity hearing and admission that he is Jian Rong Li, the Court finds he is the individual sought in the petition from the District of Guam.

On the issue of detention, the government withdrew their motion for detention based on the pretrial services report.

The government's motion for detention hearing is **moot**.

Upon receipt of the A. O. Form 199C, it is **ORDERED** that the U.S. Marshal shall release defendant from custody.

ORDER ON IDENTITY
AND DETENTION - 1

ATTEST A True Copy
JAMES R. LARSEN, Clerk
United States District Court

Eastern District of Washington
By *[Signature]*
Deputy Clerk

1 **IT IS FURTHER ORDERED**, that the release of the defendant is
2 subject to the following conditions:

3 1. The defendant shall not commit any offense in violation
4 of federal, state or local law.

5 2. The defendant shall report as directed to U.S. Probation.

6 3. The defendant shall advise U. S. Probation within 24
7 hours of any change in address, telephone number or employment.

8 4. The defendant shall remain in the Eastern District of
9 Washington while the case is pending unless given permission to
10 leave by U.S. Probation.

11 5. The defendant shall maintain or actively seek
12 employment.

13 6. The defendant shall not possess a firearm, destructive
14 device or other dangerous weapon.

15 7. Defendant is further advised, pursuant to 18 U.S.C. §
16 922(n), it is unlawful for any person who is under indictment for
17 a crime punishable by imprisonment for a term exceeding one year
18 to ship or transport in interstate or foreign commerce any firearm
19 or ammunition or receive any firearm or ammunition which has been
20 shipped or transported in interstate or foreign commerce.

21 8. The defendant shall make payments on any fines or
22 special assessments per schedule as directed by U.S. Probation.

23 **You are advised that a violation of any of the foregoing**
24 **conditions of release may result in the immediate issuance of a**
25 **warrant for your arrest, revocation of your release and**
26 **prosecution for contempt of court which could provide for**
27 **imprisonment, a fine or both. Specifically, you are advised that**
28 **a separate offense is established by the knowing failure to appear**

ORDER ON IDENTITY
AND DETENTION - 2

1 and that an additional sentence may be imposed for the commission
2 of a crime while on this release. In this regard, any sentence
3 imposed for these violations is consecutive to any other sentence
4 you may incur.

5 DATED this 22nd day of October, 2007.

6
7 s/ JOHN L. WEINBERG
8 JOHN L. WEINBERG
9 United States Magistrate Judge
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ORDER ON IDENTITY
AND DETENTION - 3

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 17 2007

JAMES R. LARSEN, CLERK
DEPUTY
TACOMA, WASHINGTON

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIAN RONG LI,

Defendant.

CASE NO. MJ-07-4128

RULE 5 DOCUMENTS

**RULE 5 DOCUMENTS RECEIVED IN FROM THE
DISTRICT OF GUAM AT HAGATNA**

PROB 12C
(12/04)

UNITED STATES DISTRICT COURT

FILED
DISTRICT COURT OF GUAM

for

District of Guam

JUN 14 2006

MARY L.M. MORAN
CLERK OF COURT

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jian Rong Li Case Number: CR04-00006-001

Name of Sentencing Judicial Officer: Morrison C. England, Jr.

Date of Original Sentence: November 16, 2004

Original Offense: False Use of Passport, 18 U.S.C. §1543.

Original Sentence: Six months imprisonment to be followed by a two year term of supervised release with conditions to include: that the drug condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse; comply with the standard conditions of supervised release as set forth by the U.S. Probation Office; pay a \$100 special assessment fee; and that he be turned over to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. §3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. §1101. As a further condition of supervised release, if ordered deported, the defendant shall remain outside of the United States and shall not re-enter the United States without the permission of the Attorney General. If deportation fails to occur and the defendant is pending any further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release; and pay a \$2,000 fine from funds confiscated by the Bureau of Immigration and Border Protection.

Type of Supervised Release Date Supervision Commenced: December 28, 2004

Assistant U.S. Attorney: Karon V. Johnson Defense Attorney: G. Patrick Civile

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. Failure to appear to begin supervised release term on April 19, 2005.

ORIGINAL

Prob 12C
(12/04)

U.S. Probation Officer Recommendation:

☒ The term of supervision should be

☒ revoked.

☐ extended _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

*Please see attached Declaration in Support of Petition written by
U.S. Probation Officer Judy Anne L. Ocampo.*

I declare under penalty of perjury
that the foregoing is true and
correct.

Reviewed by:

Reviewed by:

Rossanna Villagomez-Aguon
ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

Karon V. Johnson
KARON V. JOHNSON
Assistant U.S. Attorney

Judy Anne L. Ocampo
JUDY ANNE L. OCAMPO
U.S. Probation Officer

Date: 5/31/06

Date: 6-12-2006

Executed on: 5/31/06

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other

*The court finds probable
cause for the issuance
of a warrant.*

RECEIVED
JUN 12 2006
DISTRICT COURT OF GUAM
HAGATNA, GUAM

John A. Houston
Signature of Judicial Officer
JOHN A. HOUSTON, Designated Judge
U.S. District Court of Guam

6-14-2006

Date

VIOLATION WORKSHEET

1. Defendant Jian Rong Li
2. Docket Number (Year-Sequence-Defendant No.) CR 04-00006-001
3. District/Office Guam
4. Original Sentence Date 11 / 18 / 04
month day year
- (If different than above):
5. Original District/Office N/A
6. Original Docket Number (Year-Sequence-Defendant No.) N/A
7. List each violation and determine the applicable grade (see §7B1.1(b))

Violation(s)	Grade
● Failure to appear to begin supervision release term on April 18, 2005.	C
●	
●	
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●	
●	
●	
●	
●	

8. Most Serious Grade of Violation (see §7B1.1(b))

C

9. Criminal History Category (see §7B1.4(a))

I

10. Range of Imprisonment (see §7B1.4(a))

3 - 9

months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):



(a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.



(b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.



(c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Mail documents to: United States Sentencing Commission, One Columbus Circle, N.E. Suite 2-500, Washington, D.C. 20002-8002 Attn: Document Control, Office of Monitoring

Defendant: Jian Rong Li**12. Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution (\$)	<u>N/A</u>	Community Confinement	<u>N/A</u>
Fine (\$)	<u>N/A</u>	Home Detention	<u>N/A</u>
Other	<u></u>	Intermittent Confinement	<u>N/A</u>

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §5D1.1-1.3 (see §57B1.3(g)(1)).

Term: N/A to N/A years.

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(a) and §7B1.3(g)(2)).

Period of supervised release to be served following release from imprisonment: 27- 33 months

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

None.

15. Official Detention Adjustment (see §7B1.3(e)): months days

Mail documents to: United States Sentencing Commission, One Columbus Circle, N.E. Suite 2-500, Washington, D.C. 20002-8002 Attn: Document Control, Office of Monitoring

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM**

UNITED STATES OF AMERICA

Plaintiff,

vs.

JIAN RONG LI,

Defendant.

CRIMINAL CASE NO. 04-00006-001

DECLARATION IN SUPPORT OF PETITION

Re: Violation of Supervised Release Conditions; Warrant requested.

I, U.S. Probation Officer Judy Anne L. Ocampo, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Jian Rong Li, and in that capacity declare as follows:

Jian Rong Li was sentenced on November 16, 2004 for False Use of Passport, in violation of 18 U.S.C. §1543. He is alleged to have violated the following conditions of his supervision:

Mandatory Condition: *The defendant shall be turned over to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. §3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. §1101. As a further condition of supervised release, if ordered deported, the defendant shall remain outside of the United States and shall not re-enter the United States without the permission of the Attorney General. If deportation fails to occur and the defendant is pending any further immigration proceedings, she shall immediately report to the U.S. Probation Office to begin her term of supervised release. On November 16, 2004, Jian Rong Li was sentenced to six months imprisonment followed by a two year term of supervised release, and turned over to the custody of the Immigration and Customs Enforcement (ICE) pursuant to a detainer. On December 28, 2004, Mr. Li was released from the Department of Corrections on Guam pending immigration proceedings and transferred to the custody of BICE. On April 19, 2005, he was granted asylum and released. On September 1, 2005, the U.S. Probation Office received notification of the release. Attempts have been made to locate him, however ICE does not have any contact information.*

Recommendation: This probation officer respectfully requests that the Court issue a Warrant for Jian Rong Li in order to appear at a scheduled hearing to answer or show cause why his term of supervised release should not be revoked, pursuant to 18 U.S.C. § 3583.

DECLARATION IN SUPPORT OF PETITION

Violation of Supervised Release Conditions; Warrant Requested

Re: CHEN, Bing Jin

USDC Cr. Cs. No. 05-00034-002

May 31, 2006

Page 2

Executed this 31st day of May 2006, at Hagama, Guam, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:

Judy Anne L. Ocampo
JUDY ANNE L. OCAMPO
U.S. Probation Officer

Reviewed by:

Rossanna Villagomez-Aguon
ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Karon V. Johnson, AUSA
G. Patrick Civile, Defense Counsel
File

JAMES A. McDEVITT
United States Attorney
for the Eastern District of Washington
DONALD E. KRESSE, JR.
Assistant United States Attorney
402 East Yakima Ave., Suite 210
Yakima, Washington 98901-2760
(509) 454-4425

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	NO: MJ-07-4128-01
)	
v.)	
)	
JIAN RONG LI,	)	MOTION FOR TEMPORARY
	)	DETENTION AND DETENTION
	)	HEARING
Defendant.)	
)	

The United States moves for the detention of defendant for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, pursuant to 18 U.S.C. § 3142(d).

1. This case is eligible for such a detention order because the case involves (check all that apply):

☐ Defendant on release, pending trial, etc., (18 U.S.C. § 3142(d) (1) (A)).

☒ Defendant not a citizen or lawful permanent resident (18 U.S.C. § 3142(d) (1) (B)).

☒ Defendant may flee.

☐ Defendant may pose a danger to any other person or the community.

The United States further moves for pretrial detention of defendant, pursuant to 18 U.S.C. § 3142(e) and (f) and moves for a detention hearing within the foregoing ten-day period.

1 1. Eligibility of Case. This case is eligible for a
2 detention order because case involves (check all that apply):

- 3 ☐ Crime of violence (18 U.S.C. § 3156)
4 ☐ Maximum sentence life imprisonment or death
5 ☐ 10+ year drug offense
6 ☐ Felony, with two prior convictions in above
7 categories
8 ☒ Serious risk defendant will flee
9 ☐ Serious risk obstruction of justice

10
11 2. Reason for Detention. The court should detain
12 defendant because there are no conditions of release which will
13 reasonably assure (check one or both):

- 14 ☒ Defendant's appearance as required
15 ☐ Safety of any other person and the community

16
17 3. Rebuttable Presumption. The United States will invoke
18 the rebuttable presumption against defendant under Section
19 3142(e). (If yes) The presumption applies because (check one or
20 both):

- 21 ☐ Probable cause to believe defendant committed 10+
22 year drug offense or firearms offense, 18 U.S.C. § 924(c)
23 ☐ Previous conviction for "eligible" offense committed
24 while on pretrial bond

1 4. Time for Detention Hearing. The United States requests
2 the court conduct the detention hearing before the expiration of
3 defendant's detention pursuant to 18 U.S.C. § 3142(d).

4
5 5. Other Matters.

6
7 DATED this 17th day of October, 2007.

8
9
10 s/Donald E. Kresse, Jr.
11 DONALD E. KRESSE, JR.
12 Assistant United States Attorney
13 U.S. Attorney's Office
14 402 East Yakima Ave., Suite 210
15 Yakima, Washington 98901-2760
16 (509) 454-4425
17 (509) 454-4435 (FAX)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAGISTRATE JUDGE MIKEL H. WILLIAMS

CASE NO: MJ-07-4128-1
USA v. JIAN RONG LI

INITIAL APPEARANCE ON SUPERVISED RELEASE VIOLATION
FROM THE DISTRICT OF GUAM AT HAGATNA: 10/18/07

[X] Magistrate Judge Mikel H. Williams	[X] Donald E. Kresse, Jr., USAtty
[X] Alma Gonzalez, Courtroom Deputy	[X] Rebecca L. Pennell, Defense Counsel
[X] Kyle L. Perkins, Staff Attorney	[X] Shiru Hong, TIP Interpreter

[X] Defendant Present	[X] Rights Given
[X] Detained by USM Pending Further Order of the Court	[X] Copy of Rule 5 Charging Documents Received
[] Standard Conditions of Release Set	[X] Waived Reading of Rule 5 Charging Documents
[] Bond Set	[X] Financial Affidavit (CJA 23)
[] P.R.	[X] Acknowledgment of Rights

Remarks

Defendant appeared with counsel and was advised of his rights and the allegations contained in the Rule 5 documents.

Based on the representations in the Financial Affidavit, the Court appointed the Federal Defenders to represent the Defendant in this District.

The Defendant **did not file** a Waiver of Rule 5 & 5.1 Hearing form.

The Defendant requested that the Court schedule an identity hearing.

Government Motion for Detention Hearing previously filed with the Court.

The Defendant requested that the Court schedule a detention hearing.

The Defendant requested that the Court schedule a probable cause hearing.

Pre-trial services report ordered.

Defendant shall be detained by the U.S. Marshal pending further order of the Court.

***IDENTITY HEARING: TUESDAY, OCTOBER 23, 2007 @ 9:00 a.m.**

***PROBABLE CAUSE HEARING: TUESDAY, OCTOBER 23, 2007 @ 9:00 a.m.**

***DETENTION HEARING: TUESDAY, OCTOBER 23, 2007 @ 9:00 a.m.**

***ON SUPERVISED RELEASE VIOLATION FROM THE DISTRICT OF GUAM AT HAGATNA
[Y/VISITING MAGISTRATE JUDGE JOHN L.WEINBERG]**

Rebecca L. Pennell
FEDERAL DEFENDERS OF EASTERN WASHINGTON AND IDAHO
306 East Chestnut Avenue
Yakima, Washington 98901
(509) 248-8920

Attorneys for Defendant
JIAN RONG LI

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	MJ-07-4128-1
)	
vs.	)	NOTICE OF APPEARANCE
)	
JIAN RONG LI,)	
)	
Defendant.)	

TO: JAMES A. McDEVITT, UNITED STATES ATTORNEY
DONALD E. KRESSE, JR., ASSISTANT UNITED STATES ATTORNEY

Please take notice that Rebecca L. Pennell, of the Federal
Defenders of Eastern Washington and Idaho hereby enters her appearance
as counsel of record in this matter. All future correspondence and
court filings should be forwarded directly to the address listed
above.

DATED: October 18, 2007.

Respectfully Submitted,

s/Rebecca L. Pennell
Rebecca L. Pennell, 27851
Attorney for JIAN RONG LI
Federal Defenders of Eastern
Washington and Idaho
306 East Chestnut Avenue
Yakima, Washington 98901
Telephone Number: (509) 248-8920
Fax Number: (509) 248-9118
rebecca_pennell@fd.org

NOTICE OF APPEARANCE

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2007, I electronically filed the Notice of Appearance with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Donald E. Kresse, Jr., Assistant United States Attorney, and I hereby certify that I have delivered via United States District Court the document to the following non-CM/ECF participants: United States Probation Office.

s/Rebecca L. Pennell
Rebecca L. Pennell, 27851
Attorney for JIAN RONG LI
Federal Defenders of Eastern
Washington and Idaho
306 East Chestnut Avenue
Yakima, Washington 98901
Telephone Number: (509) 248-8920
Fax Number: (509) 248-9118
rebecca_pennell@fd.org

NOTICE OF APPEARANCE

FINANCIAL AFFIDAVIT

CJA 23
(Rev. 5-98)

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES
IN THE CASE OF☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

FOR

AT

LOCATION NUMBER

VS.

FILED IN THE
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PERSON REPRESENTED (Show your full name)

JIAN RONG LI

DOCKET NUMBERS

Magistrate

MT-07-4128-1

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →) ☐ Felony ☐ Misdemeanor

- 1 ☒ Defendant **OCT 18 2007**
 2 ☐ Defendant's Attorney
 3 ☐ Appellant
 4 ☐ Probation Violator
 5 ☐ Parole Violator
 6 ☐ Habeas Petitioner
 7 ☐ 2255 Petitioner
 8 ☐ Material Witness
 9 ☐ Other (Specify) _____

EMPLOYMENT

Are you now employed? ☒ Yes ☐ No ☐ Am Self Employed

Name and address of employer:

Restaurant - China Buffet

IF YES, how much do you
earn per month? \$ 1,000

IF NO, give month and year of last employment

How much did you earn per month? \$

If married is your Spouse employed? ☐ Yes ☒ NoIF YES, how much does your
Spouse earn per month? \$If a minor under age 21, what is your Parents or
Guardian's approximate monthly income? \$

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ NoIF YES, GIVE THE AMOUNT
RECEIVED & IDENTIFY \$
THE SOURCES

RECEIVED

SOURCES

CASH

Have you any cash on hand or money in savings or checking account ☒ Yes ☐ No IF YES, state total amount \$ 3,000

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ NoIF YES, GIVE THE VALUE AND \$
DESCRIBE IT

VALUE

DESCRIPTION

DEPENDENTS

MARITAL STATUS

☒ SINGLE☐ MARRIED☐ WIDOWED☐ SEPARATED OR
DIVORCEDTotal
No. of
Dependents

List persons you actually support and your relationship to them

DEBTS & MONTHLY BILLS

(LIST ALL CREDITORS,
INCLUDING BANKS,
LOAN COMPANIES,
CHARGE ACCOUNTS,
ETC.)APARTMENT
OR HOME:

was never to boss
insurance attorney
living w/ boss
cell phones
food
money to parents in China

Creditors

Total Debt

Monthly Payt.

~1,000

\$

\$

\$

\$

\$

\$

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 10/18/07

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

Jian Rong Li

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 18 2007

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

JIAN RONG LI,
Defendant.

No. MJ-07-4128-1

ACKNOWLEDGMENT OF NOTICE OF
RIGHTS

(FED. R. CRIM. P. 5)

(PETITION)

The undersigned Defendant does hereby acknowledge: I appeared before the United States Magistrate Judge this date and was advised as follows:

1) Of the charge or charges placed against me, and I acknowledge receipt of a copy of the:

☒ Petition for Warrant or Summons for Offender Under Supervision

☐ Petition for Action on Conditions of Pretrial Release, which specifically sets forth the allegations;

2) Of the maximum penalty provided by law;

3) My right to remain silent at all times and if I make a statement the fact it can be used against me;

4) My right to retain my own counsel, and if I am without funds, to have counsel appointed to represent me in this matter, both in this district and the requesting district;

5) My right to a probable cause hearing, if applicable, before this magistrate judge, or a waiver of this hearing in writing;

ACKNOWLEDGMENT OF NOTICE OF RIGHTS - 1

1 6) My right to a hearing before a United States District
2 Judge in the district where the supervised release was granted, to
3 be confronted by the government's witnesses, and present witnesses
4 on my behalf;

5 7) My right to an identity hearing to ascertain whether I am
6 the person named in the Petition, or waiver of this hearing in
7 writing;

8 8) My right to a hearing within three business days in this
9 district, if the United States moves for my detention, with counsel
10 present on my behalf;

11 9) My right, if I am not a United States citizen, to have my
12 country's consulate informed of my arrest and detention.

13
14 10/18/07
15 Date

16 X [Signature]
17 Defendant

18 Interpreted by (if applicable):
19
20
21
22
23
24
25
26
27
28

(Sign and Print Name)

ACKNOWLEDGMENT OF NOTICE OF RIGHTS - 2

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 18 2007

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JIAN RONG LI,

Defendant.

MJ-07-4128-1

Defendant's Assertion of
Fifth and Sixth Amendment
Rights

TO: JAMES A. McDEVITT, UNITED STATES ATTORNEY

COMES NOW the Defendant, JIAN RONG LI, and hereby asserts his rights under the Fifth and Sixth Amendments of the United States Constitution. Defendant asserts that he does not wish to have any contact with any government official, including but not limited to law enforcement agents, except through his counsel. The Government should so instruct its agents.

DATED this 18th day of Oct, 2007

Respectfully Submitted,


DEFENDANT

Defendant's Assertion of
Fifth and Sixth Amendment Rights

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
)
Plaintiff,) NO. MJ-07-4128-1
)
v.) ORDER ON INITIAL
) APPEARANCE, AND ORDER
JIAN RONG LI,) SETTING DETENTION, PROBABLE
) CAUSE & IDENTITY HEARINGS
Defendant.)

On October 18, 2007, this court held an initial appearance on supervised release violations pending against defendant from the District of Guam (CR04-6-1). Donald Kresse represented the government and defendant was present with assisting counsel Rebecca Pennell.

The defendant was informed of the violations and of his right to (1) retain counsel or request the assignment of counsel if unable to retain counsel, and (2) an identity hearing to determine if the defendant is the person named in the charges.

The defendant requested an identity hearing and a probable cause hearing.

The U.S. Attorney advised the Court that the government was seeking the detention of the defendant.

Taking into consideration the nature and circumstances of the offense charged, the Court granted the government's motion for temporary detention and ordered the defendant to be held in detention pending a detention hearing.

ORDER ON INITIAL APPEARANCE
ORDER SETTING DETENTION HEARING - 1

IT IS HEREBY ORDERED:

1. That hearings on detention, probable cause and identity are set for **Tuesday, October 23, 2007, at 9:00 a.m.**, before United States Magistrate Judge John Weinberg at Yakima, Washington. Pending this hearing, the defendant shall be held in custody by the United States Marshal.

2. Defendant shall be afforded reasonable opportunity for private consultation with his counsel.

3. The United States Probation Office shall prepare a pre trial services bail report.

DATED this 18th day of October, 2007.

s/ Mikel H. Williams
MIKEL H. WILLIAMS
United States Magistrate Judge

AO 199C (Rev. 12/03) Advice of Penalties

OCT 22 2007
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Advice of Penalties and Sanctions

JAMES R. LAMBERT, CLERK
DEPUTY
TACOMA, WASHINGTON

TO THE DEFENDANT: USA v. Jian Rong Li

CR-

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

MJ- 07-4128-1

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Jian Rong Li

Signature of Defendant

Address

City and State

Zip

Telephone

Directions to United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: 10/22/07

John L. Weinberg
Signature of Judge

John L. Weinberg
Name and Title of Judge

U.S. Magistrate Judge

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

AO 199C (Rev. 12/03) Advice of Penalties

OCT 22 2007
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Advice of Penalties and Sanctions

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTONTO THE DEFENDANT: USA v. Jian Rong Li

CR-

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MJ- 07-4128-1

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Jian Rong Li

Signature of Defendant

51 Bradem Rd

Address

Sonm/side, WA

City and State

Zip

509-837-8950

Telephone

Directions to United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: 10/22/07John L Weinberg

Signature of Judge

John L Weinberg

Name and Title of Judge

U.S. Magistrate Judge

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

MAGISTRATE JUDGE JOHN L. WEINBERG

**CASE NO. MJ-07-4128-1
USA v. JIAN RONG LI**

**IDENTITY/DETENTION/PROBABLE CAUSE HEARING
ON SUPERVISED RELEASE VIOLATION
FROM DISTRICT OF GUAM AT HAGATNA: 10/22/07**

[X] Magistrate Judge John L. Weinberg	[X] Donald Kresse, USA Attorney
[X] Karen White, Courtroom Deputy	[X] Rebecca Pennell, Defense Counsel
[X] Kyle L. Perkins, Staff Attorney	[X] Eddie Yip, TIP Interpreter

Remarks

Defendant appeared with counsel and was assisted by Mandarin interpreter telephonically.

Government's Motion for Detention was orally withdrawn.

Defendant admitted his identity and waived probable cause hearing.

The Court stated that transfer of this case from the District of Guam to the Eastern District of Washington would be pursued, and Defendant agreed with that.

The Court released Defendant and imposed the conditions of release as recommended by Probation on the last page of its report, plus two more conditions as follows:

1. Make payments as directed by Probation on his fine and special assessment
2. No new violation of any law

AO 199C Advice of Penalties and Sanctions was executed by Defendant.

FTR/Y-102

Time: 3:26 - 3:38 p.m.

IDENTITY/DETENTION/PROBABLE CAUSE HEARING

ON SUPERVISED RELEASE VIOLATION

FROM DISTRICT OF GUAM AT HAGATNA: 10/22/07